

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FELIPE MORALES,

No. C-10-1601-EDL

Plaintiff,

**ORDER GRANTING ADMINISTRATIVE
MOTION TO CONTINUE MOTION FOR
PRELIMINARY INJUNCTION
HEARING**

v.

MAGNA, INC. et al.,

Defendants.

This is a class action complaint against the makers and advertisers of MagnaRX, a purported “male enhancement” supplement. Plaintiff filed the complaint on April 14, 2010 and one week later noticed a motion for preliminary injunction for June 2, 2010. Plaintiff has consented to this Court’s jurisdiction, but not all of the defendants have been served and only two have consented to have a magistrate judge preside over the matter. On May 12, 2010, the two defendants who have consented noticed a motion to dismiss or transfer for improper venue; motion to stay or dismiss pending resolution of a prior-filed state court action; and motion to dismiss for lack of standing for June 22, 2010.


These two defendants have also filed an administrative motion to continue the hearing on the preliminary injunction motion until after resolution of their motion to dismiss, transfer, or stay, in light of the fact that several named defendants have not been served and others have been served recently but will not be required to respond until after oppositions to the preliminary injunction motion are due. Plaintiff did not file any opposition to the request to continue the hearing on the preliminary injunction motion as required by Local Rule 7-11(b).

1 The Court finds good cause for GRANTING the request to continue the hearing on the
2 preliminary injunction motion until after the hearing on the motion to dismiss, stay or transfer. In
3 addition to the fact that resolution of the motion to dismiss, stay or transfer could moot some or all
4 of the issues raised by the motion for preliminary injunction, not all of the defendants who have been
5 served have consented to this Court's jurisdiction and therefore this Court has no authority to order
6 injunctive relief at this time.

7 For the foregoing reasons, it is hereby ordered that the hearing on Plaintiff's motion for
8 preliminary injunction is continued from June 2, 2010 until August 3, 2010 at 2:00 p.m.
9 Defendants' motion to dismiss, stay or transfer will be heard on June 22, 2010 at 9:00 a.m. as
10 noticed.

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12 **IT IS SO ORDERED.**

13 Dated: May 18, 2010

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15 ELIZABETH D. LAPORTE
16 United States Magistrate Judge
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